

Supreme Court

(Before Mr. Justice Kent).
Knox vs. Leonard Gillespie Reid—Before a Special Jury.

After recess yesterday, Wm. Noel, Crown Lands Surveyor, was recalled and examined by Mr. Bradley. A copy of the plan submitted during the forenoon was exhibited to the jury and the location of the wheel marks to the first wheel mark was located and ten feet further along both wheel marks were seen. From the westward the stumps could be seen a distance of about 400 feet. Witness could go west on the left side about 500 feet and still keep the bus in sight. On the right side the bus could be seen 500 feet from where it was parked. The stumps were about 10 inches apart.

Cross-examined by Mr. Howley, witness said he could not tell how far distant he could see the stumps in the night time. He said it is much more difficult to gauge distances in the night than in the day, even were it clear moonlight. Witness said it was about 180 feet from the front of the bus to where blood marks were seen on the road. When witness made plan of the position of the bus the driver assured him that it was within six inches of the position it occupied on the night of the tragedy. Measurements of distances apart of objects in the court room as suggested in the forenoon were made by Mr. Noel.

George H. Parsons, examined by Mr. Hunt, said he attended the funeral at Donovan's. It concluded at 11.30. He first saw the bus by the second pole east of Donovan's. Witness stood near the entrance of the conveyance. Looking west he saw a car about 250 yards distant. He saw the lights but heard no horn. As the car came along he walked to the front of the bus but saw nobody there. The motor car was going very fast. He judged it passed at about 40 miles per hour. It was moonlight and he could see clearly. Witness saw car strike King. The deceased was slightly southeast of the bus, and near the centre of the road. About 20 or 30 feet from the front of the bus. He did not notice the car slow down when it hit King. He appeared to be hit by the part of the car between the left mudguard and the light. Between the spot where King was hit and where his body landed, about twenty feet intervened. When witness reached King he was dead. The witness saw the car in the bushes and hearing a cry for help went in that direction. Witness thought King's body was not moved up to the time that the Inspector General had arrived. Capt. Whitty's body was located in the woods about 15 feet west of the upturned car.

Cross-examined by Mr. Howley, witness said he did not see King, Whitty or Lovett when he went to the front of the bus. It was the light of the car that enabled him to see King. Witness said that practically simultaneously with the hitting of King, the motor car disappeared. Witness saw Leonard Reid after the accident. He was bleeding from the face, had no hat on and one of his shoes was gone. Witness saw no evidence of intoxication on him.

Re-examined by Mr. Hunt, witness could not give the distance from where King was hit to where the car left the road. He thought that King was about 20 or 30 feet from the bus when he was hit. He could not tell how far the upturned car was from the motor bus. Witness saw Leonard Reid after the accident but was not speaking to him.

Wm. B. Slaytor, Lieut. on H. M. S. Constance. Examined by Mr. Bradley, witness said he left his ship at 7 o'clock and went out to a house on Topsall Hill in Mr. Crosbie's car. There were 8 or 9 people from the city dining with the ship's company. Before dinner they smoked and had a cocktail. They did not get up from the table until near 11 p.m. They got into the motor cars and went away from town, then they turned back. Witness was sitting in the front seat with Leonard Reid and Cliff Peterson. In the rear seat there were five people. The car was stopped at the top of the hill (Topsall) as they could not get her into top gear. They did not succeed, and then proceeded only to stop again. A car passed while they were stopped. Reid fixed the car and they proceeded towards town. They did not stop long on the second occasion. Next they passed a car going in the same direction. Following they saw the tall Highways bus. They were then about 100 yards distant. Witness remembered his car had good headlights. After sighting the bus they slowed down, but nothing abnormal. He thought they were going at a safe speed. Witness has been a driver for the past twelve years. He gave it as his opinion that at that time the car was travelling about 30 miles per hour. Witness turned to talk to L. Burrows and then felt the car swerve. He turned

to the front and saw a man near the left mudguard. The car still swerved to the right and then, until he regained consciousness he saw nothing. Witness did not know if the car had a speedometer or not. There was good visibility that night. Witness gave a list of some alcoholic drinks they had at the dinner. Mr. Reid had the same as witness except he was not sure if he (Reid) had any liqueur. Witness said he regained consciousness about 5 or 6 yards distant from the car. He ran towards the machine, at the same time shouting to some people on the road. He thought that Reid was pinned under the car, but he appeared from behind him. With assistance they lifted the car on one side and Burrows and Peterson crawled from under. They then lifted the other side of the car and removed the bodies of Duder, Harrison, Burrows and O'Callaghan. He only met Mr. Reid on the football field before that night. Crosbie was not a member of the team. The dinner lasted a long time, speeches were made. They had a cocktail, a glass of cherry and a whiskey and soda, whilst at dinner, in connection with the whiskey and soda Reid had a remarkably small drink, and the party were laughing at him for it. After this there was a port and a liqueur, but he was not sure that Reid had a liqueur. They then had another whiskey; he was passed the bottle; there was a small drink in it, and he split it with Reid. Drivers of cars are always nervous when driving with strange drivers, but he considered Reid a perfectly safe driver. The top gear is the one the car generally runs on. Reid got under the car and fixed the trouble, he was not long at it and after this everything was alright. In passing the car was on the road coming out there was no difficulty. In his profession witness got training in visibility at sea, but not on the land. When he saw the bus first he did not know what it was. When he turned around to speak to the man behind him, he thought there was ample room to pass. Coming along that night, the car was hard down on the springs, and they were not getting the full benefit of the springs. Witness was not sure whether the car hit the man on the side of the road, or not. The car gave a very noticeable swerve, but he would say the wheel went hard over. After the car turned over he called to Leonard Reid first, because he thought he would be pinned to the wheel as he was in the most dangerous position. After the accident there was a considerable amount of excitement. When the car slowed down, witness noticed it. The speed was not excessive in his opinion. In answer to Judge Kent, witness could not say whether or not the horn blew.

Claude Hall, sworn, and examined by Mr. Hunt. Witness lives in town and is in insurance business. On the night of Sept. 15th witness was on Topsall Road, coming home, about 11.30. He was in Mr. Peddrew's car. They had gone as far as Seal Cove. Coming out they saw Mr. Reid's car which was stopped and witness's car stopped to offer assistance; he did not know what was said but it was sufficient for them to go on. The same car passed them about midway between Octagon Pond and Donovan's. They knew it was the same car, from the number on it, they looked up the register list. They sometimes did this. Mr. Peddrew's car was going about 18 miles an hour. Witness could not be an authority on the speed of a car. Asked how fast Mr. Reid's car was going when it passed (Mr. Howley objects). Witness does not know how far it is from Octagon Pond to Donovan's; he did not know how long they were going from the Octagon to where Reid's car passed, he would not be able to say how fast it was going. Witness would say it was going about as fast again as his car was going. Witness's car continued on until they got to Donovan's where they were halted by Capt. Long. They saw a man lying in the road, dead. It was Lieut. King. The bus was on the road east of Donovan's gate, about near the second pole. Leonard Reid's car was in the ditch, further east, on the other side of the road; it was turned over. Witness saw five other bodies, they were off the road. Whitty's body was about fifteen feet off the road. Witness was the first to handle Whitty's body. (Points on plan where body was found).

Cross-examined by Mr. Emerson. It would be extremely difficult to judge the speed of Reid's car when it passed. Mr. Peddrew pretty regularly went at the same speed as, that night. They took out the registered numbers of cars when Reid's passed. Up to the time they arrived there had been apparently no effort made to do anything with the bodies. Their car was the last to come out from Donovan's that night. He didn't hear the bus driver being instructed to go for a doctor, and can't say if he did go. When witness arrived at the scene there was much excitement, the most was apparent in the occupants of the Reid car. There were not many G. W. V. A. people around.

Harry Peddrew, sworn, examined by Mr. Hunt. Witness remembered being on the Topsall Road on the night of Sept. 15th. They left Upper Gullies for town at 10.30. On the top of Topsall Hill there was a car stopped and they stopped and offered assistance. Later the car passed witness, who was going about 18 miles

an hour. Witness could not say how fast their car would be going. It would be less than five minutes after, they reached Donovan's when they were stopped and told there was a man dead and it was Lieut. King. After this witness went to the car which was upturned and helped to raise it. The body of Harrison was hauled out and witness began artificial respiration on it. Coming towards their own car after this, witness in company with Mr. Hall, saw an object off the road, and going to it Mr. Hall said it was Whitty's body. The body was found about five yards east of the stump. Hall was the first to step in to the body. Witness saw the stump that night. Before the bus was removed, witness, with Jack McGrath and Patrick Grace, marked the place where King's body was found.

Edward Carey, sworn, examined by Mr. Bradley. Witness is a chauffeur. On the night of Sept. 15th he went to Topsall; he took out Mr. Charles Taylor, who lives about a mile this side of Topsall. Whilst stopped at Mr. Taylor's house, two cars passed, first Mr. Crosbie's and after Mr. Reid's. About a mile after leaving Mr. Taylor's house, coming to town, witness passed Mr. Reid's car, parked on the right side of the road. Witness stopped his car because there were five men on the road in front of Mr. Reid's car. As far as he could see there were eight men with the car on the road, which was Mr. Reid's. Two of them came over to witness's car and began to put out his lights. Mr. Duder came to witness and excused the men; Mr. Reid did the same. Mr. Reid asked witness where he could get water. The five men witness saw on the road were cherry, witness would say they were under the influence of liquor. Mr. Reid did not appear to be in the same condition.

Cross-examined by Mr. Howley. Witness would class five men drunk and Mr. Reid sober.

Malcolm F. Chambers, sworn, examined by Mr. Bradley. On the evening of Sept. 15th, witness was in to Donovan's at a farewell party to Mr. Marshall's bus brought them in. The bus stayed in all the time and was parked in the yard whilst the dinner was on. When the bus left the yard it went to the road around the left corner, and parked well on the left. After waiting around a little while witness got in the bus. The seats in the bus run in three different ways. The tall light was on the car, two lights in the body of the bus and the head lights were on, dimmed. When witness got in the bus there were two or three in it. Before he got in the bus he saw King, Whitty and Lovett on the road, about Doody. Whilst witness was in the bus he heard a car pass the door. There was quite a commotion. There was the sound of the exhaust and a rush of wind, he could feel it in the bus. After this he heard Doody call out that King was killed. The night was a fine one and clear, but at this particular time the witness was not sure if the moon was shining. Just before witness got in the bus, King was about the centre of the road, Whitty was on his right and Lovett on his left. All three men were going towards town. Just prior to hearing the rush of the car witness heard no horn or saw no lights. After getting out of the bus witness went directly to the body he saw in the road. Witness saw the Inspector General that night. The body of King had not been removed when he arrived. Witness saw Reid's car off the road, it lay at right angles to the road. After helping to get some men from under the car, witness went to try and find Whitty. Witness was there when one of Whitty's check books was picked up, somewhere near the two stumps that were on the side of the road, the check book was somewhere to the south of the stumps. When he heard the rush he knew it was a car or bus.

Neil Patrick, sworn, examined by Mr. Hunt. On the night of Sept. 15th, witness went to a dinner party at Donovan's; they came out somewhere about midnight. They went in to Donovan's in the bus, which was in the yard when the dinner was over. When witness came down from the house the bus was parked on the side of the road and he got in; there were several in the bus at the time. Before getting in the bus witness saw King, Whitty, Lovett and Doody on the road. After getting in the bus there was a car passed along; then suddenly there was a silence, and he got out and saw King's body. The last time witness saw the men on the road was about two or three minutes before the car came, they were on the right side of the bus, at the time. When they came out of Donovan's there was no cheating, everything was quiet. Witness knew nothing of the motor car until it was in the ditch.

Cross-examined by Mr. Howley. Witness could not remember the names of all who were in the bus when he got in, but there were Grouchy, Grace, Woodman and McGrath. The bus was about thirty or forty yards on the town side of Donovan's gate. Whitty and King were on the right of the door of the bus; as to their movements after, witness did not know.

Horatio Grouchy, sworn, examined by Mr. Bradley. Witness is a chauffeur for Marshall's garage, he drives a bus. On the night of Sept. 15th he went to Donovan's with a party of 14 G. W. V. A. men; whilst the dinner

was on the bus was in the yard. The bus is 22 feet long by 80 inches wide. After dinner witness brought the bus to the road, where his party got on board. At the time there were tall lights, parking lights and lights in the bus. After bringing the bus to the road witness stayed in it. He saw three men on the road to the right and ahead. Witness did not remember seeing them move, they appeared to be getting a smoke. Shortly after witness heard a rush and afterwards he saw what caused the rush. He saw a man hit, and he saw the man pitch and fall about ahead of the radiator of the bus. Witness could not say how far the man went before he pitched. Witness then jumped from his seat, and ran to where the car was, he never looked at the dead man. Witness at this time did not know what had happened to Whitty or Lovett he saw no lights of the car or heard a horn.

The car was bottom up in the ditch at right angles to the road. Witness has been on the scene since with his bus. He was sent for by the Inspector General, who asked him to put his bus in the same position as it was on the night of the accident. The impression of the three was on the grass and he thought they were pretty near the correct position. The bus went up in the yard and ran down the same as on the night of the accident. There are windows all around in the bus.

Cross-examined by Mr. Emerson. Witness has been driving the car for twelve years, and did much driving at night. It is difficult to judge distance at night. From the time witness saw the car until it went over the bank he could not judge the speed it was going. When they went out next day the place appeared somewhat different than it had been in the night. After coming out of Donovan's yard they would have to take a big sweep. The next day, when he went out he knew the number of poles that were there. Before the accident he saw Whitty and King standing near the bus. King was nearest the centre of the road; when he was hit, witness did not know who it was. He had no idea as to how fast the car was going. Shortly after hitting King it went over the road.

At this point the Court adjourned until ten o'clock this morning.

TO-DAY'S PROCEEDINGS.
Midshipman Mellor, sworn, examined by Mr. Hunt, said he went to Hollands' at Topsall on the evening of the 15th inst. He went out in Mr. Leonard Reid's car. At the dinner all the guests partook of refreshments. When the car left Hollands' the party went west; then they turned to come towards town. Witness sat on the floor of the car. He could not see anything. The first thing he noticed was the car turning to the right and slowing down. The difference of the speed was enough to make him sit up and take notice. He saw the bus, it was then ahead of the car, but fairly close. After passing the bus he saw the men quite close. He could not form any opinion as to the speed of the car. It was going at the usual speed for the type of make. It did not seem to be going excessively. "Not at all excessive for safe driving. Somewhere around 30 miles per hour." The three men appeared to be near the bonnet of the bus at the time the car reached the bus. Two of the men appeared to clear out of the way but the car struck the one on the left. Just before he was hit the car was swerved to the right and he appeared from the resulting fall to be hit by the mudguard. As the man was hit the car continued on down and swerved over the bank. The front wheels stopped and the car appeared to swing round. Witness visited the scene on the following Wednesday. He saw the wheel marks where the machine left the road. Witness was knocked partly clear of the car. The car's lights were burning coming out the road. He thought Reid blew his horn as he would have noticed if he did not.

Cross-examined by Mr. Emerson. Witness said he was standing at the side of the bus when he reckoned the distance at which King's body lay. Mr. Howley by permission re-cross-examined witness re the distance that King's body lay, and a comparison was made by objects in the Court room.

John Murphy, sworn, examined by Mr. Hunt. Witness said he went out to the dinner given him by the G. W. V. A. in Marshall's bus. The dinner was over at 11.30. He came out of the hotel at a quarter to twelve. The bus was then on the road. Witness spoke to some of the gathering in the yard and then went back where he remained until the news came of King being killed. He went down the road and remembered seeing the bus with its headlights in line with the second telegraph pole from the gate. (Witness was called from the stand and explained from the plan the position of the bus). He saw the headlights

and those inside but did not notice the tall lights. He then went on and saw the body of King lying between 60 and 70 feet in front of the bus. On the right side of the road he saw the car in the ditch. It was about 90 or 100 feet ahead of the bus. It was overturned with the engine part nearest the road. Witness assisted in uprighting the machine and taking out the bodies. He recognized Clinton Duder. After which he went to look for Capt. Whitty. Then he saw a man in the woods with a lantern and going there he saw the body. It was lying about 50 or 70 yards on the Topsall side of the upturned car. Somebody was performing artificial respiration. The Inspector General and Supt. O'Neill then came on the scene, after which witness picked up a cheque book. (Cheque book exhibited and recognized as belonging to Capt. Whitty. Witness picked it up on the gully side of the stump, on the side of the road. (Position of stump and place where cheque book was picked up pointed out on plan). There were mud marks on the book as it was found in the wheel track of the Reid car. The track was quite plain made

so by the assistance of a flashlight. The track was going towards witness could not tell how far it was apparent on either side of the stump. Cross-examined by Mr. Howley, witness said he made an examination of the car tracks about 40 minutes after the accident. There were distinct marks of the car on both sides of the stump. Shown cheque book witness recognized a cheque drawn by G. J. Whitty in favor of Mrs. Hughes. It was dated Sept. 15, 1924, but the amount was not filled in. Re-examined by Mr. Hunt witness said Capt. Whitty organized the dinner.

Patrick Grace, sworn, examined by Mr. Howley. Witness was at Donovan's on the night of the 15th inst. The party arrived about 9 o'clock and the dinner ended about 20 minutes to twelve. When the witness went outside the bus was in the yard. He went into the hotel and on coming out again he saw the bus down on the left hand side of the road. There were four or five people in the bus when he arrived. He did not particularly remember any one on the road

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Patrick was in the bus two or three
minutes before Reid's car passed.Leo O'Dea, sworn, examined by Mr.
Bradley. Witness said he was at the
G. W. V. A. party at Donovan's. After
the dinner he went out in the yard.
The bus was there but was moved
off the road. Witness was not sure
if there were lights on when he got
into the bus. He sat in the back seat
and was probably the first in. Those
who came in were quiet. He heard
no horn and the only warning of the
car coming was the rushing sound.
He saw nothing but heard a shout
that somebody was killed. He got
out and saw the body of King lying
in front of the bus. Life was extinct.
Witness saw a motor in a ditch on
the right hand side of the road.Cross-examined by Mr. Howley.
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